

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, FEBRUARY 12, 2002 AT 10:00 A.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, FEBRUARY 12, 2002 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Two actions related to Carmel Valley - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report 02-010; Public Facilities Financing Plan and FBA, Fiscal Year 2002, December 2001 Draft. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-921) Tb(CACTION Tb)

Designating an area of benefit in Carmel Valley and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of the proposed Public Facilities Project in the matter of Carmel Valley Facilities Benefit Assessment Area.

Subitem-B: (R-2002-922) Tb(CACTION Tb)

Declaring that the assessment fee schedule contained in the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on January 22, 2002, by Resolution No. R-295966, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Carmel Valley Community;

Declaring that the Docket Supporting Information and the text contained in the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2002, are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 6/13/01, LU&H voted 5-0 to approve the City Manager's recommendation.
(Councilmembers Peters, Wear, Atkins, Stevens and Maienschein voted yea.)

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Amendment to the Progress Guide and General Plan and Mid-City Communities Plan to Reclassify and Vacate a Portion of 40th Street.

Matter of approving, conditionally approving, modifying or denying amendments to the Progress Guide and General Plan and Mid-City Communities Plan which are required to implement the proposed street vacation and reclassification of 40th Street. The Transportation Element of the Mid-City Communities Plan would be modified to reflect a street vacation north of Madison Avenue, and the reclassification of 40th Street between Adams and Monroe Avenues from a 2-lane collector street to a non-classified residential local street.

(Negative Declaration-41-0371. Normal Heights Community of the Mid-City Communities Plan area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A and B:

Subitem-A: (R-2002-1004) Tb(CACTION Tb)

Adoption of a Resolution authorizing an amendment to the Progress Guide and General Plan and Mid-City Communities Plan to reclassify and closing to vehicular traffic a portion of 40th Street in the City of San Diego, California.

Subitem-B: (R-2002-1005) Tb(CACTION Tb)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR No. 41-0371 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.) as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the 40th Street Closure proposal;

That the Council finds, based upon the Initial Study and any comments received,

that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission on November 15, 2001, voted 6 - 0 to recommend to the City Council approval of an amendment to the Progress Guide and General Plan and the Mid-City Communities Plan to allow for the closure of 40th Street to through traffic between Madison Avenue and the SR-15 freeway on-ramp and reclassify 40th Street from Adams Avenue to Monroe Avenue from a 2-lane collector to a non-classified residential local street; no opposition.

Ayes: Lettieri, Stryker, Anderson, Schultz, Brown, Butler
Not present: Garcia

The Normal Heights Community Planning Committee has recommended approval of the project.

SUPPORTING INFORMATION:

Amendments to the Progress Guide and General Plan and Mid-City Communities Plan are required to implement the proposed street closure (to vehicular traffic) [partial vacation] and reclassification of 40th Street. The Transportation Element of the Mid-City Communities Plan would be modified to reflect the street closure, north of Madison Avenue to vehicular traffic [partial vacation], and the reclassification of 40th Street between Adams and Monroe Avenues from a 2-lane collector street to a non-classified residential local street.

A noticed community meeting was held in October of 2000 to discuss the closure (to vehicular traffic) proposal and a petition was circulated and supported by two-thirds of the affected residents. On November 2, 2000, the Normal Heights Community Planning Committee voted to request the closure (to vehicular traffic) and associated amendments to the Progress Guide and General Plan and Mid-City Communities Plan. These amendments were initiated by the Planning Commission on January 25, 2001, and staff was directed to evaluate impacts on the community circulation system and possible reuse of the portion of 40th Street between the SR-15 freeway ramps and Madison Avenue closed to vehicular traffic. No other issues were identified by the Planning Commission.

A Traffic Impact Analysis was conducted and determined the closure of 40th Street between the freeway ramps and Madison Avenue to vehicular traffic would not result in a significant traffic impact on the adjacent street system. If approved, alternate uses such as additional parking for park users and area businesses and possible 39th Street park expansion would be studied and

incorporated into a Capital Improvement Program.

On November 15, 2001, the reclassification and closure (to vehicular traffic) request came back to Planning Commission for their recommendation. The Planning Commission recommended that the City Council approve an amendment to the Progress Guide and General Plan and the Mid-City Communities Plan to allow for the closure of 40th Street between Madison Avenue and the SR-15 ramps to vehicular traffic [partial vacation], the reclassification of 40th Street between Adams Avenue and Monroe Avenue from a 2-lane collector street to a non-classified residential local street as well as certification of Negative Declaration LDR No. 41-0371. No other issues were identified by the Planning Commission.

FISCAL IMPACT:

This project is included as part of the City's work program established for the Normal Heights Community.

Ewell/Goldberg/LE

LEGAL DESCRIPTION:

The project seeks to reclassify 40th Street immediately south of the 40th Street/Interstate 15 ramps intersection (south of Adams Avenue) from a 2-lane collector street to a non-classified residential street and to close 40th Street at this point to through traffic. The project site is located within the Normal Heights Community of the Mid-City Communities Planning Area.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT